

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

TERRY LEWIS BENFORD,)
)
Plaintiff,)
)
v.) No. 2:10CV90 AGF
)
CORRECTIONAL MEDICAL)
SERVICES, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for appointment of counsel and motions to attach exhibits to his complaint.

Plaintiff's motions to attach exhibits to his complaint will be granted.

There is no constitutional or statutory right to appointed counsel in civil cases.

Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the Plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the Plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the Plaintiff's allegations; and (4) whether the factual and legal

issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

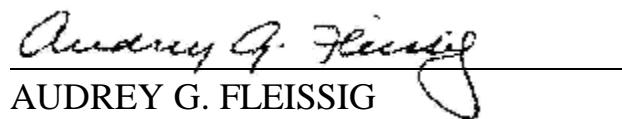
Plaintiff has presented non-frivolous claims in his complaint. Plaintiff alleges that Defendants failed to protect him from harm and denied him medical care. The claims in the complaint are not excessively complicated, either from a legal or a factual standpoint. At this stage, it appears that Plaintiff is adequately prosecuting his case. After considering each of the relevant factors, the Court finds that the appointment of counsel is not warranted at this time. As a result, the Court will deny the motion without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motions to attach exhibits to his complaint [docs. 11, 12] are **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel [doc. 4] is **DENIED** without prejudice.

Dated this 6th day of June, 2011.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE